

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10306-PBS
)	
TREVOR CHARLTON)	

DEFENDANT'S MOTION FOR VIEW

Defendant, Trevor Charlton, moves to have the jury in this case view 37 Ellsworth Street, Brockton. As grounds for this motion, defendant states that the view will demonstrate characteristics of the area not capable of being illustrated by maps or photographs and not capable of being adequately described by testimony. See United States v. Crochiere, 129 F.3d 233, 235-36 (1st Cir. 1992) (finding denial of view to be harmless error where defendant acquitted of substantive count and convicted only of conspiracy count).

The government alleges that, on the evening of July 25, 2004, police officers arrived in front of 37 Ellsworth Street, where several individuals, including defendant, were gathered. A loaded firearm was recovered by the officers from the front stoop. Much of the government's evidence at trial will concern observations made by the police outside of 37 Ellsworth Street. Although photographs may be used at trial, only an actual view will put the testimony and other evidence in perspective.

To the extent that security concerns arise from the fact that defendant is in custody, defendant will waive his presence

during the view.

TREVOR CHARLTON
By his attorneys,

/s/ J. Martin Richey
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Certificate of Service

I, J. Martin Richey, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 27, 2006.

/s/ J. Martin Richey
J. Martin Richey